

For RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

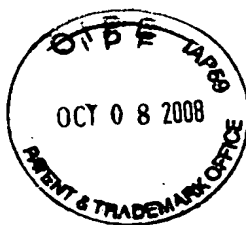
In re U.S. Patent Application of
TAMAKI et al.

Application Number: 09/897,929

Filed: July 5, 2001

For: APPARATUS AND METHOD FOR DYNAMICALLY
ALLOCATING COMPUTER RESOURCES BASED
ON SERVICE CONTRACT WITH USER

Attorney Docket No. ASAM.0011



Art Unit 2152

Examiner
Doan, Duyen My

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Sir:

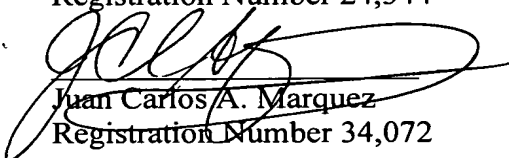
The below-identified communications are submitted in the above-captioned application or proceeding:

- (x) Petition to Revive Unintentionally Abandoned Application
- (x) Copy of Notice of Improper Request for Continued Examination (RCE)
- (x) Requests for Continued Examination (RCE)
- (x) Request to Suspend Prosecution in Conjunction with a Request for Continued Prosecution Pursuant to 37 C.F.R. §1.103(c)
- (x) Check for \$1,620.00

- ☒ The Commissioner is hereby authorized to charge payment of any fees associated with this communication, including fees under 37 C.F.R. § 1.16 and 1.17 or credit any overpayment to **Deposit Account Number 08-1480**. A duplicate copy of this sheet is attached.

Respectfully submitted,

Stanley P. Fisher
Registration Number 24,344


Juan Carlos A. Marquez
Registration Number 34,072

REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
October 8, 2008

Regin. Ref: 10/09/2008 JAD001 0007394100
DAH:001480 Name/Number:09897929
FC: 9204 \$140.00 CR

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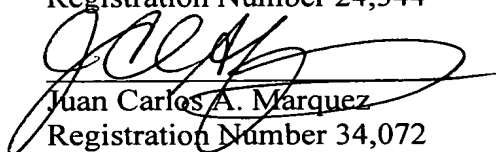
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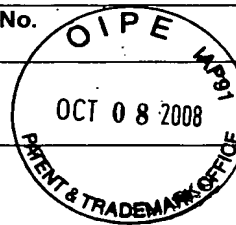
Stanley P. Fisher
Registration Number 24,344


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REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
(703) 641-4200
October 8, 2008

**NOTICE OF IMPROPER REQUEST FOR
CONTINUED EXAMINATION (RCE)**

Application No.
09/897,929



Applicant(s)
TAMAKI ET AL.

Art Unit
2100

Date Mailed:

The request for continued examination (RCE) under 37 CFR 1.114 filed on 24 September, 2008 is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☐ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☐ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☒ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date **on or after June 8, 1995** will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

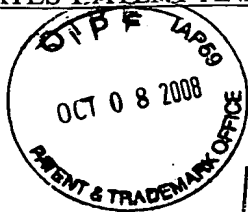
Direct any questions concerning this notice to

/BRENDA L. TURNER/, Technology Center 2100

Telephone Number: (571)272-3614

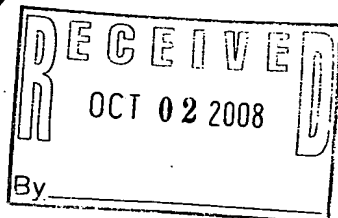


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38327 e 09/30/2008
REED SMITH LLP
3110 FAIRVIEW PARK DRIVE, SUITE 1400
FALLS CHURCH, VA 22042



Paper No.

Application No.:	09/897,929	Date Mailed:	09/30/2008
			
First Named Inventor:	Tamaki, Yoshiko,	Examiner:	DOAN, DUYEN MY
Attorney Docket No.:	ASAM.0011	Art Unit:	2152
Confirmation No.:	1831	Filing Date:	07/05/2001

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents